

AMENDED IN ASSEMBLY JULY 2, 2014  
AMENDED IN ASSEMBLY JUNE 17, 2014  
AMENDED IN SENATE MAY 7, 2014  
AMENDED IN SENATE APRIL 24, 2014  
AMENDED IN SENATE MARCH 26, 2014

**SENATE BILL**

**No. 1263**

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**Introduced by Senator Pavley**

February 21, 2014

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An act to amend Sections 47605 and 47605.1 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1263, as amended, Pavley. Charter schools: location.

Existing law authorizes a charter school that is unable to locate within the jurisdiction or geographic boundaries of the chartering school district to establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district where the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations and either the charter school has attempted to locate a single site or facility to house the entire program, but such a site or facility is unavailable in the area in which the school chooses to locate or the site is needed for temporary use during a construction or expansion project.

This bill would delete the authority of a charter school to locate outside the jurisdiction or geographic boundaries of the chartering school

district because the charter school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the charter school chooses to locate. The bill would authorize a charter school to establish one ~~site~~ *facility* outside the boundaries of the school district, as described above, if *either (1) the school district within the jurisdiction of which the charter school proposes to operate provides written approval to the chartering school district before the charter petition is approved for that facility and before each charter petition renewal, or (2) the* ~~site~~ *facility is needed for temporary use during the period of construction for a construction or expansion project, for up to one school year during a construction or expansion project, 18 months, unless the school district in which the charter school intends to operate consents to approves of a longer period of time. The bill would require a charter school locating outside the boundaries of the *authorizing chartering school district for temporary use to provide the parents of pupils enrolled at the charter school with specified information at least 60 days before the beginning of the school year. The bill would authorize a charter school that was authorized to locate, and operated, a site outside the boundaries of the authorizing school district at which pupils were enrolled and attending before July 1, 2014, to continue operating the site until the charter school applies for renewal of its charter. At the time the charter school applies for renewal of its charter, the bill would require the authorizing school district to make specified findings in order for the charter school to continue operating outside the boundaries of the authorizing school district, unless the school district in which the site is located consents to the location of the charter school site. to continue to operate a facility outside the boundaries of the chartering school district if either (1) the charter school petition was authorized before April 1, 2013, to locate at that facility and the charter school operated that facility with pupils enrolled and attending before September 15, 2014, or (2) the school district within the jurisdiction of which the charter school operates provides written approval to the chartering school district.* The bill would prohibit a school district that is assigned a negative certification, as specified, from authorizing new charter schools to locate outside the boundaries of the school district. The bill would also make nonsubstantive changes to these provisions.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. It is the intent of the Legislature to close the  
2 statutory loopholes authorizing a charter school to locate outside  
3 the geographic boundaries of the chartering school district.

4     SEC. 2. Section 47605 of the Education Code is amended to  
5 read:

6     47605. (a) (1) Except as set forth in paragraph (2), a petition  
7 for the establishment of a charter school within a school district  
8 may be circulated by one or more persons seeking to establish the  
9 charter school. A petition for the establishment of a charter school  
10 shall identify a single charter school that will operate within the  
11 geographic boundaries of that school district. A charter school  
12 may propose to operate at multiple sites within the school district,  
13 as long as each location is identified in the charter school petition.  
14 The petition may be submitted to the governing board of the school  
15 district for review after either of the following conditions is met:

16     (A) The petition is signed by a number of parents or legal  
17 guardians of pupils that is equivalent to at least one-half of the  
18 number of pupils that the charter school estimates will enroll in  
19 the school for its first year of operation.

20     (B) The petition is signed by a number of teachers that is  
21 equivalent to at least one-half of the number of teachers that the  
22 charter school estimates will be employed at the school during its  
23 first year of operation.

24     (2) A petition that proposes to convert an existing public school  
25 to a charter school that would not be eligible for a loan pursuant  
26 to subdivision (c) of Section 41365 may be circulated by one or  
27 more persons seeking to establish the charter school. The petition  
28 may be submitted to the governing board of the school district for  
29 review after the petition is signed by not less than 50 percent of  
30 the permanent status teachers currently employed at the public  
31 school to be converted.

32     (3) A petition shall include a prominent statement that a  
33 signature on the petition means that the parent or legal guardian  
34 is meaningfully interested in having his or her child or ward attend  
35 the charter school, or in the case of a teacher's signature, means  
36 that the teacher is meaningfully interested in teaching at the charter  
37 school. The proposed charter shall be attached to the petition.

(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, they shall be a material revision to the charter school's charter.

(5) (A) ~~Except as provided in subparagraph (C), a~~ A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one ~~site facility~~ outside the boundaries of the school district, but within the county in which that school district is located, ~~if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and the site is needed for temporary use for up to one school year during a construction or expansion project, unless the school district in which the charter school intends to operate consents to a longer period of time.~~ *either of the following circumstances exists:*

(i) *The school district within the jurisdiction of which the charter school proposes to operate provides written approval to the chartering school district before the charter petition is approved for that facility and before each charter petition renewal.*

(ii) *The facility is needed for temporary use during the period of construction for a construction or expansion project, for up to 18 months, unless the school district in which the charter school proposes to operate approves of a longer period of time. The charter school shall provide written notice before the charter petition is approved to the school district within the jurisdiction of which the charter school proposes to temporarily operate, the county superintendent of schools, and the Superintendent.*

(B) A charter school that locates outside the boundaries of the ~~authorizing~~ chartering school district pursuant to *clause (ii) of subparagraph (A)* shall notify all parents of the pupils enrolled at the charter school at least 60 days before the beginning of the school year of all of the following information:

(i) The name of the ~~authorizing~~ chartering school district.

1 (ii) ~~The location~~ *physical address* of the temporary site at which  
2 the charter school will locate.

3 (iii) The reason for the temporary site.

4 (iv) ~~The location~~ *physical address* of the site the charter school  
5 intends to locate within the ~~authorizing~~ *chartering* school district  
6 after the temporary site.

7 (v) The contact information, including, but not limited to, the  
8 name, phone number, and email address, of a person employed by  
9 the governing body of the charter school who may be contacted  
10 for questions or additional information.

11 ~~(C) (i) A charter school that was authorized to locate, and~~  
12 ~~operated, a site outside the boundaries of the authorizing school~~  
13 ~~district at which pupils were enrolled and attending before July 1,~~  
14 ~~2014, may continue to operate the site outside the boundaries of~~  
15 ~~the authorizing school district until the charter school applies for~~  
16 ~~renewal of its charter. At the time the charter school applies for~~  
17 ~~renewal of its charter, the governing board of the authorizing school~~  
18 ~~district shall make the following findings in order for the charter~~  
19 ~~school to continue operating outside the boundaries of the~~  
20 ~~authorizing school district:~~

21 ~~(I) That there is no site within the boundaries of the authorizing~~  
22 ~~school district for the charter school to locate.~~

23 ~~(II) That only one site is located outside the boundaries of the~~  
24 ~~authorizing school district.~~

25 ~~(ii) If the governing board of the authorizing school district does~~  
26 ~~not make the findings described in subclauses (I) and (II) of clause~~  
27 ~~(i), the charter school shall not operate a site outside the boundaries~~  
28 ~~of the authorizing school district after renewal of its charter unless~~  
29 ~~the school district in which the site is located consents to the~~  
30 ~~location of the charter school site.~~

31 *(C) (i) A charter school may continue to operate a facility*  
32 *outside the boundaries of the chartering school district if both of*  
33 *the following apply:*

34 *(I) The charter school was authorized before April 1, 2013, to*  
35 *locate at that facility.*

36 *(II) The charter school operated that facility with pupils enrolled*  
37 *and attending before September 15, 2014.*

38 *(ii) A charter school that does not meet the requirements of*  
39 *clause (i) may continue to operate the facility outside the*  
40 *boundaries of the chartering school district if the school district*

1 *within the jurisdiction of which the charter school operates*  
2 *provides written approval to the chartering school district.*

3 (D) Notwithstanding subparagraph (A), a school district that is  
4 assigned a negative certification pursuant to paragraph (1) of  
5 subdivision (a) of Section 42131 shall not authorize new charter  
6 schools to locate outside the boundaries of the school district.

7 (6) Commencing January 1, 2003, a petition to establish a charter  
8 school shall not be approved to serve pupils in a grade level that  
9 is not served by the school district of the governing board  
10 considering the petition, unless the petition proposes to serve pupils  
11 in all of the grade levels served by that school district.

12 (b) No later than 30 days after receiving a petition, in accordance  
13 with subdivision (a), the governing board of the school district  
14 shall hold a public hearing on the provisions of the charter, at  
15 which time the governing board of the school district shall consider  
16 the level of support for the petition by teachers employed by the  
17 school district, other employees of the school district, and parents.  
18 Following review of the petition and the public hearing, the  
19 governing board of the school district shall either grant or deny  
20 the charter within 60 days of receipt of the petition, provided,  
21 however, that the date may be extended by an additional 30 days  
22 if both parties agree to the extension. In reviewing petitions for  
23 the establishment of charter schools pursuant to this section, the  
24 chartering authority shall be guided by the intent of the Legislature  
25 that charter schools are and should become an integral part of the  
26 California educational system and that the establishment of charter  
27 schools should be encouraged. The governing board of the school  
28 district shall grant a charter for the operation of a school under this  
29 part if it is satisfied that granting the charter is consistent with  
30 sound educational practice. The governing board of the school  
31 district shall not deny a petition for the establishment of a charter  
32 school unless it makes written factual findings, specific to the  
33 particular petition, setting forth specific facts to support one or  
34 more of the following findings:

35 (1) The charter school presents an unsound educational program  
36 for the pupils to be enrolled in the charter school.

37 (2) The petitioners are demonstrably unlikely to successfully  
38 implement the program set forth in the petition.

39 (3) The petition does not contain the number of signatures  
40 required by subdivision (a).

1 (4) The petition does not contain an affirmation of each of the  
2 conditions described in subdivision (d).

3 (5) The petition does not contain reasonably comprehensive  
4 descriptions of all of the following:

5 (A) (i) A description of the educational program of the charter  
6 school, designed, among other things, to identify those whom the  
7 charter school is attempting to educate, what it means to be an  
8 “educated person” in the 21st century, and how learning best  
9 occurs. The goals identified in that program shall include the  
10 objective of enabling pupils to become self-motivated, competent,  
11 and lifelong learners.

12 (ii) A description, for the charter school, of annual goals, for  
13 all pupils and for each subgroup of pupils identified pursuant to  
14 Section 52052, to be achieved in the state priorities, as described  
15 in subdivision (d) of Section 52060, that apply for the grade levels  
16 served, or the nature of the program operated, by the charter school,  
17 and specific annual actions to achieve those goals. A charter  
18 petition may identify additional school priorities, the goals for the  
19 school priorities, and the specific annual actions to achieve those  
20 goals.

21 (iii) If the proposed charter school will serve high school pupils,  
22 a description of the manner in which the charter school will inform  
23 parents about the transferability of courses to other public high  
24 schools and the eligibility of courses to meet college entrance  
25 requirements. Courses offered by the charter school that are  
26 accredited by the Western Association of Schools and Colleges  
27 may be considered transferable and courses approved by the  
28 University of California or the California State University as  
29 creditable under the “A” to “G” admissions criteria may be  
30 considered to meet college entrance requirements.

31 (B) The measurable pupil outcomes identified for use by the  
32 charter school. “Pupil outcomes,” for purposes of this part, means  
33 the extent to which all pupils of the charter school demonstrate  
34 that they have attained the skills, knowledge, and attitudes specified  
35 as goals in the charter school’s educational program. Pupil  
36 outcomes shall include outcomes that address increases in pupil  
37 academic achievement both schoolwide and for all groups of pupils  
38 served by the charter school, as that term is defined in subparagraph  
39 (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil  
40 outcomes shall align with the state priorities, as described in

1 subdivision (d) of Section 52060, that apply for the grade levels  
2 served, or the nature of the program operated, by the charter school.

3 (C) The method by which pupil progress in meeting those pupil  
4 outcomes is to be measured. To the extent practicable, the method  
5 for measuring pupil outcomes for state priorities shall be consistent  
6 with the way information is reported on a school accountability  
7 report card.

8 (D) The governance structure of the charter school, including,  
9 but not limited to, the process to be followed by the charter school  
10 to ensure parental involvement.

11 (E) The qualifications to be met by individuals to be employed  
12 by the charter school.

13 (F) The procedures that the charter school will follow to ensure  
14 the health and safety of pupils and staff. These procedures shall  
15 include the requirement that each employee of the charter school  
16 furnish it with a criminal record summary as described in Section  
17 44237.

18 (G) The means by which the charter school will achieve a racial  
19 and ethnic balance among its pupils that is reflective of the general  
20 population residing within the territorial jurisdiction of the school  
21 district to which the charter petition is submitted.

22 (H) Admission requirements, if applicable.

23 (I) The manner in which annual, independent financial audits  
24 shall be conducted, which shall employ generally accepted  
25 accounting principles, and the manner in which audit exceptions  
26 and deficiencies shall be resolved to the satisfaction of the  
27 chartering authority.

28 (J) The procedures by which pupils can be suspended or  
29 expelled.

30 (K) The manner by which staff members of the charter schools  
31 will be covered by the State Teachers' Retirement System, the  
32 Public Employees' Retirement System, or federal social security.

33 (L) The public school attendance alternatives for pupils residing  
34 within the school district who choose not to attend charter schools.

35 (M) A description of the rights of an employee of the school  
36 district upon leaving the employment of the school district to work  
37 in a charter school, and of any rights of return to the school district  
38 after employment at a charter school.



1 (N) The procedures to be followed by the charter school and  
2 the entity granting the charter to resolve disputes relating to  
3 provisions of the charter.

4 (O) A declaration of whether or not the charter school shall be  
5 deemed the exclusive public school employer of the employees of  
6 the charter school for purposes of Chapter 10.7 (commencing with  
7 Section 3540) of Division 4 of Title 1 of the Government Code.

8 (P) A description of the procedures to be used if the charter  
9 school closes. The procedures shall ensure a final audit of the  
10 charter school to determine the disposition of all assets and  
11 liabilities of the charter school, including plans for disposing of  
12 any net assets and for the maintenance and transfer of pupil records.

13 (c) (1) Charter schools shall meet all statewide standards and  
14 conduct the pupil assessments required pursuant to Sections 60605  
15 and 60851 and any other statewide standards authorized in statute  
16 or pupil assessments applicable to pupils in noncharter public  
17 schools.

18 (2) Charter schools shall, on a regular basis, consult with their  
19 parents, legal guardians, and teachers regarding the charter school's  
20 educational programs.

21 (d) (1) In addition to any other requirement imposed under this  
22 part, a charter school shall be nonsectarian in its programs,  
23 admission policies, employment practices, and all other operations,  
24 shall not charge tuition, and shall not discriminate against a pupil  
25 on the basis of the characteristics listed in Section 220. Except as  
26 provided in paragraph (2), admission to a charter school shall not  
27 be determined according to the place of residence of the pupil, or  
28 of his or her parent or legal guardian, within this state, except that  
29 an existing public school converting partially or entirely to a charter  
30 school under this part shall adopt and maintain a policy giving  
31 admission preference to pupils who reside within the former  
32 attendance area of that public school.

33 (2) (A) A charter school shall admit all pupils who wish to  
34 attend the school.

35 (B) If the number of pupils who wish to attend the charter school  
36 exceeds the school's capacity, attendance, except for existing pupils  
37 of the charter school, shall be determined by a public random  
38 drawing. Preference shall be extended to pupils currently attending  
39 the charter school and pupils who reside in the school district  
40 except as provided for in Section 47614.5. Other preferences may

1 be permitted by the chartering authority on an individual school  
2 basis and only if consistent with the law.

3 (C) In the event of a drawing, the chartering authority shall  
4 make reasonable efforts to accommodate the growth of the charter  
5 school and in no event shall take any action to impede the charter  
6 school from expanding enrollment to meet pupil demand.

7 (3) If a pupil is expelled or leaves the charter school without  
8 graduating or completing the school year for any reason, the charter  
9 school shall notify the superintendent of the school district of the  
10 pupil's last known address within 30 days, and shall, upon request,  
11 provide that school district with a copy of the cumulative record  
12 of the pupil, including a transcript of grades or report card, and  
13 health information. This paragraph applies only to pupils subject  
14 to compulsory full-time education pursuant to Section 48200.

15 (e) The governing board of a school district shall not require an  
16 employee of the school district to be employed in a charter school.

17 (f) The governing board of a school district shall not require a  
18 pupil enrolled in the school district to attend a charter school.

19 (g) The governing board of a school district shall require that  
20 the petitioner or petitioners provide information regarding the  
21 proposed operation and potential effects of the charter school,  
22 including, but not limited to, the facilities to be used by the charter  
23 school, the manner in which administrative services of the charter  
24 school are to be provided, and potential civil liability effects, if  
25 any, upon the charter school and upon the school district. The  
26 description of the facilities to be used by the charter school shall  
27 specify where the charter school intends to locate. The petitioner  
28 or petitioners also shall be required to provide financial statements  
29 that include a proposed first-year operational budget, including  
30 startup costs, and cashflow and financial projections for the first  
31 three years of operation.

32 (h) In reviewing petitions for the establishment of charter  
33 schools within the school district, the governing board of the school  
34 district shall give preference to petitions that demonstrate the  
35 capability to provide comprehensive learning experiences to pupils  
36 identified by the petitioner or petitioners as academically low  
37 achieving pursuant to the standards established by the department  
38 under Section 54032, as that section read before July 19, 2006.

39 (i) Upon the approval of the petition by the governing board of  
40 the school district, the petitioner or petitioners shall provide written

1 notice of that approval, including a copy of the petition, to the  
2 applicable county superintendent of schools, the department, and  
3 the state board.

4 (j) (1) If the governing board of a school district denies a  
5 petition, the petitioner may elect to submit the petition for the  
6 establishment of a charter school to the county board of education.  
7 The county board of education shall review the petition pursuant  
8 to subdivision (b). If the petitioner elects to submit a petition for  
9 establishment of a charter school to the county board of education  
10 and the county board of education denies the petition, the petitioner  
11 may file a petition for establishment of a charter school with the  
12 state board, and the state board may approve the petition, in  
13 accordance with subdivision (b). A charter school that receives  
14 approval of its petition from a county board of education or from  
15 the state board on appeal shall be subject to the same requirements  
16 concerning geographic location to which it would otherwise be  
17 subject if it received approval from the entity to which it originally  
18 submitted its petition. A charter petition that is submitted to either  
19 a county board of education or to the state board shall meet all  
20 otherwise applicable petition requirements, including the  
21 identification of the proposed site or sites where the charter school  
22 will operate.

23 (2) In assuming its role as a chartering agency, the state board  
24 shall develop criteria to be used for the review and approval of  
25 charter school petitions presented to the state board. The criteria  
26 shall address all elements required for charter approval, as  
27 identified in subdivision (b), and shall define “reasonably  
28 comprehensive” as used in paragraph (5) of subdivision (b) in a  
29 way that is consistent with the intent of this part. Upon satisfactory  
30 completion of the criteria, the state board shall adopt the criteria  
31 on or before June 30, 2001.

32 (3) A charter school for which a charter is granted by either the  
33 county board of education or the state board based on an appeal  
34 pursuant to this subdivision shall qualify fully as a charter school  
35 for all funding and other purposes of this part.

36 (4) If either the county board of education or the state board  
37 fails to act on a petition within 120 days of receipt, the decision  
38 of the governing board of the school district to deny a petition shall  
39 be subject to judicial review.

1 (5) The state board shall adopt regulations implementing this  
2 subdivision.

3 (6) Upon the approval of the petition by the county board of  
4 education, the petitioner or petitioners shall provide written notice  
5 of that approval, including a copy of the petition to the department  
6 and the state board.

7 (k) (1) The state board may, by mutual agreement, designate  
8 its supervisory and oversight responsibilities for a charter school  
9 approved by the state board to any local educational agency in the  
10 county in which the charter school is located or to the governing  
11 board of the school district that first denied the petition.

12 (2) The designated local educational agency shall have all  
13 monitoring and supervising authority of a chartering agency,  
14 including, but not limited to, powers and duties set forth in Section  
15 47607, except the power of revocation, which shall remain with  
16 the state board.

17 (3) A charter school that is granted its charter through an appeal  
18 to the state board and elects to seek renewal of its charter shall,  
19 before expiration of the charter, submit its petition for renewal to  
20 the governing board of the school district that initially denied the  
21 charter. If the governing board of the school district denies the  
22 charter school's petition for renewal, the charter school may  
23 petition the state board for renewal of its charter.

24 (l) Teachers in charter schools shall hold a Commission on  
25 Teacher Credentialing certificate, permit, or other document  
26 equivalent to that which a teacher in other public schools would  
27 be required to hold. These documents shall be maintained on file  
28 at the charter school and are subject to periodic inspection by the  
29 chartering authority. It is the intent of the Legislature that charter  
30 schools be given flexibility with regard to noncore, noncollege  
31 preparatory courses.

32 (m) A charter school shall transmit a copy of its annual,  
33 independent financial audit report for the preceding fiscal year, as  
34 described in subparagraph (I) of paragraph (5) of subdivision (b),  
35 to its chartering entity, the Controller, the county superintendent  
36 of schools of the county in which the charter school is sited, unless  
37 the county board of education of the county in which the charter  
38 school is sited is the chartering entity, and the department by  
39 December 15 of each year. This subdivision does not apply if the

1 audit of the charter school is encompassed in the audit of the  
2 chartering entity pursuant to Section 41020.

3 ~~SEC. 3. Section 47605.1 of the Education Code is amended to~~  
4 ~~read:~~

5 ~~47605.1. (a) (1) Notwithstanding any other law, a charter~~  
6 ~~school that is granted a charter from the governing board of a~~  
7 ~~school district or county office of education after July 1, 2002, and~~  
8 ~~commences providing educational services to pupils on or after~~  
9 ~~July 1, 2002, shall locate in accordance with the geographic and~~  
10 ~~site limitations of this part.~~

11 ~~(2) Notwithstanding any other law, a charter school that is~~  
12 ~~granted a charter by the state board after July 1, 2002, and~~  
13 ~~commences providing educational services to pupils on or after~~  
14 ~~July 1, 2002, based on the denial of a petition by the governing~~  
15 ~~board of a school district or county board of education, as described~~  
16 ~~in paragraphs (1) and (2) of subdivision (j) of Section 47605, may~~  
17 ~~locate only within the geographic boundaries of the chartering~~  
18 ~~entity that initially denied the petition for the charter.~~

19 ~~(3) A charter school that receives approval of its charter from~~  
20 ~~a governing board of a school district, a county office of education,~~  
21 ~~or the state board before July 1, 2002, but does not commence~~  
22 ~~operations until after January 1, 2003, shall be subject to the~~  
23 ~~geographic limitations of this part, in accordance with subdivision~~  
24 ~~(e).~~

25 ~~(b) Nothing in this section is intended to affect the admission~~  
26 ~~requirements contained in subdivision (d) of Section 47605.~~

27 ~~(c) Notwithstanding any other law, a charter school may~~  
28 ~~establish a resource center, meeting space, or other satellite facility~~  
29 ~~located in a county adjacent to that in which the charter school is~~  
30 ~~authorized if the following conditions are met:~~

31 ~~(1) The facility is used exclusively for the educational support~~  
32 ~~of pupils who are enrolled in nonclassroom-based independent~~  
33 ~~study of the charter school.~~

34 ~~(2) The charter school provides its primary educational services~~  
35 ~~in, and a majority of the pupils it serves are residents of, the county~~  
36 ~~in which the school is authorized.~~

37 ~~(d) (1) Notwithstanding subdivision (a) or subdivision (a) of~~  
38 ~~Section 47605, and except as provided in paragraph (3), a charter~~  
39 ~~school that is unable to locate within the jurisdiction of the~~  
40 ~~chartering school district may establish one site outside the~~

1 boundaries of the school district, but within the county in which  
2 that school district is located, if the school district within the  
3 jurisdiction of which the charter school proposes to operate is  
4 notified in advance of the charter petition approval, the county  
5 superintendent of schools is notified of the location of the charter  
6 school before it commences operations, and the site is needed for  
7 temporary use for up to one school year during a construction or  
8 expansion project, unless the school district in which the charter  
9 school intends to operate consents to a longer period of time.

10 (2) A charter school that locates outside the boundaries of the  
11 authorizing school district pursuant to paragraph (1) shall notify  
12 all parents of the pupils enrolled at the charter school at least 60  
13 days before the beginning of the school year of all of the following  
14 information:

15 (A) The name of the authorizing school district.

16 (B) The location of the temporary site at which the charter  
17 school will locate.

18 (C) The reason for the temporary site.

19 (D) The location of the site the charter school intends to locate  
20 within the authorizing school district after the temporary site.

21 (E) The contact information, including, but not limited to, the  
22 name, phone number, and email address, of a person employed by  
23 the governing body of the charter school who may be contacted  
24 for questions or additional information.

25 (3) (A) A charter school that was authorized to locate, and  
26 operated, a site outside the boundaries of the authorizing school  
27 district at which pupils were enrolled and attending before July 1,  
28 2014, may continue to operate the site outside the boundaries of  
29 the authorizing school district until the charter school applies for  
30 renewal of its charter. At the time the charter school applies for  
31 renewal of its charter, the governing board of the authorizing school  
32 district shall make the following findings in order for the charter  
33 school to continue operating outside the boundaries of the  
34 authorizing school district:

35 (i) That there is no site within the boundaries of the authorizing  
36 school district for the charter school to locate.

37 (ii) That only one site is located outside the boundaries of the  
38 authorizing school district.

39 (B) If the governing board of the authorizing school district  
40 does not make the findings described in clauses (i) and (ii) of

1 subparagraph (A), the charter school shall not operate a site outside  
2 the boundaries of the authorizing school district after renewal of  
3 its charter unless the school district in which the site is located  
4 consents to the location of the charter school site.

5 (4) Notwithstanding paragraph (1), a school district that is  
6 assigned a negative certification pursuant to paragraph (1) of  
7 subdivision (a) of Section 42131 shall not authorize new charter  
8 schools to locate outside the boundaries of the school district.

9 (e) (1) For a charter school that was granted approval of its  
10 charter before July 1, 2002, and provided educational services to  
11 pupils before July 1, 2002, this section shall only apply to any new  
12 educational services or schoolsites established or acquired by the  
13 charter school on or after July 1, 2002.

14 (2) For a charter school that was granted approval of its charter  
15 before July 1, 2002, but did not provide educational services to  
16 pupils before July 1, 2002, this section shall only apply upon the  
17 expiration of a charter that is in existence on January 1, 2003.

18 (3) Notwithstanding other implementation timelines in this  
19 section, by June 30, 2005, or upon the expiration of a charter that  
20 is in existence on January 1, 2003, whichever is later, all charter  
21 schools shall be required to comply with this section for schoolsites  
22 at which educational services are provided to pupils before or after  
23 July 1, 2002, regardless of whether the charter school initially  
24 received approval of its charter school petition before July 1, 2002.  
25 To achieve compliance with this section, a charter school shall be  
26 required to receive approval of a charter petition in accordance  
27 with this section and Section 47605.

28 (4) Nothing in this section is intended to affect the authority of  
29 a governmental entity to revoke a charter that is granted on or  
30 before the effective date of this section.

31 (f) A charter school that submits its petition directly to a county  
32 board of education, as authorized by Section 47605.5 or 47605.6,  
33 may establish charter school operations only within the  
34 geographical boundaries of the county in which that county board  
35 of education has jurisdiction.

36 (g) Notwithstanding any other law, the jurisdictional limitations  
37 set forth in this section do not apply to a charter school that  
38 provides instruction exclusively in partnership with any of the  
39 following:

~~(1) The federal Workforce Investment Act of 1998 (29 U.S.C. Sec. 2801 et seq.).~~

~~(2) Federally affiliated YouthBuild programs.~~

~~(3) Federal job corps training or instruction provided pursuant to a memorandum of understanding with the federal provider.~~

~~(4) The California Conservation Corps or local conservation corps certified by the California Conservation Corps pursuant to Section 14507.5 or 14406 of the Public Resources Code.~~

~~(5) Instruction provided to juvenile court school pupils pursuant to subdivision (c) of Section 42238.18 or pursuant to Section 1981 for individuals who are placed in a residential facility.~~

*SEC. 3. Section 47605.1 of the Education Code is amended to read:*

47605.1. (a) (1) Notwithstanding any other law, a charter school that is granted a charter from the governing board of a school district or county office of education after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, shall locate in accordance with the geographic and site limitations of this part.

(2) Notwithstanding any other law, a charter school that is granted a charter by the state board after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, based on the denial of a petition by the governing board of a school district or county board of education, as described in paragraphs (1) and (2) of subdivision (j) of Section 47605, may locate only within the geographic boundaries of the chartering entity that initially denied the petition for the charter.

(3) A charter school that receives approval of its charter from a governing board of a school district, a county office of education, or the state board before July 1, 2002, but does not commence operations until after January 1, 2003, shall be subject to the geographic limitations of ~~the~~ *this* part, in accordance with subdivision (e).

(b) Nothing in this section is intended to affect the admission requirements contained in subdivision (d) of Section 47605.

(c) Notwithstanding any other law, a charter school may establish a resource center, meeting space, or other satellite facility located in a county adjacent to that in which the charter school is authorized if the following conditions are met:



1 (1) The facility is used exclusively for the educational support  
2 of pupils who are enrolled in nonclassroom-based independent  
3 study of the charter school.

4 (2) The charter school provides its primary educational services  
5 in, and a majority of the pupils it serves are residents of, the county  
6 in which the school is authorized.

7 (d) *(1)* Notwithstanding subdivision (a) or subdivision (a) of  
8 Section 47605, *and except as provided in paragraph (3)* a charter  
9 school that is unable to locate within the ~~geographic boundaries~~  
10 *jurisdiction* of the chartering school district may establish one-site  
11 *facility* outside the boundaries of the school district, but within the  
12 county ~~within~~ *in* which that school district is located, if the school  
13 district where the charter school proposes to operate is notified in  
14 advance of the charter petition approval, the county superintendent  
15 of schools is notified of the location of the charter school before  
16 it commences operations, and either of the following circumstances  
17 exist: *exists*:

18 ~~(1) The school has attempted to locate a single site or facility~~  
19 ~~to house the entire program but such a facility or site is unavailable~~  
20 ~~in the area in which the school chooses to locate.~~

21 ~~(2) The site is needed for temporary use during a construction~~  
22 ~~or expansion project.~~

23 *(A) The school district within the jurisdiction of which the*  
24 *charter school proposes to operate provides written approval to*  
25 *the chartering school district before the charter petition is*  
26 *approved for that facility and before each charter petition renewal.*

27 *(B) The facility is needed for temporary use during the period*  
28 *of construction for a construction or expansion project, for up to*  
29 *18 months, unless the school district in which the charter school*  
30 *proposes to operate approves of a longer period of time. The*  
31 *charter school shall provide written notice before the charter*  
32 *petition is approved to the school district within the jurisdiction*  
33 *of which the charter school proposes to temporarily operate, the*  
34 *county superintendent of schools, and the Superintendent.*

35 *(2) A charter school that locates outside the boundaries of the*  
36 *chartering school district pursuant to subparagraph (B) of*  
37 *paragraph (1) shall notify all parents of the pupils enrolled at the*  
38 *charter school at least 60 days before the beginning of the school*  
39 *year of all of the following information:*

40 *(A) The name of the chartering school district.*

1     (B) *The physical address of the temporary site at which the*  
2 *charter school will locate.*

3     (C) *The reason for the temporary site.*

4     (D) *The physical address of the site the charter school intends*  
5 *to locate within the chartering school district after the temporary*  
6 *site.*

7     (E) *The contact information, including, but not limited to, the*  
8 *name, phone number, and email address, of a person employed*  
9 *by the governing body of the charter school who may be contacted*  
10 *for questions or additional information.*

11     (3) (A) *A charter school may continue to operate a facility*  
12 *outside the boundaries of the chartering school district if both of*  
13 *the following apply:*

14         (i) *The charter school was authorized before April 1, 2013, to*  
15 *locate at that facility.*

16         (ii) *The charter school operated that facility with pupils enrolled*  
17 *and attending before September 15, 2014.*

18     (B) *A charter school that does not meet the requirements of*  
19 *subparagraph (A) may continue to operate the facility outside the*  
20 *boundaries of the chartering school district if the school district*  
21 *within the jurisdiction of which the charter school operates*  
22 *provides written approval to the chartering school district.*

23     (4) *Notwithstanding paragraph (1), a school district that is*  
24 *assigned a negative certification pursuant to paragraph (1) of*  
25 *subdivision (a) of Section 42131 shall not authorize new charter*  
26 *schools to locate outside the boundaries of the school district.*

27     (e) (1) *For a charter school that was granted approval of its*  
28 *charter before July 1, 2002, and provided educational services to*  
29 *pupils before July 1, 2002, this section shall only apply to any new*  
30 *educational services or schoolsites established or acquired by the*  
31 *charter school on or after July 1, 2002.*

32     (2) *For a charter school that was granted approval of its charter*  
33 *before July 1, 2002, but did not provide educational services to*  
34 *pupils before July 1, 2002, this section shall only apply upon the*  
35 *expiration of a charter that is in existence on January 1, 2003.*

36     (3) *Notwithstanding other implementation timelines in this*  
37 *section, by June 30, 2005, or upon the expiration of a charter that*  
38 *is in existence on January 1, 2003, whichever is later, all charter*  
39 *schools shall be required to comply with this section for schoolsites*  
40 *at which ~~education~~ educational services are provided to pupils*

1 before or after July 1, 2002, regardless of whether the charter  
2 school initially received approval of its charter school petition  
3 before July 1, 2002. To achieve compliance with this section, a  
4 charter school shall be required to receive approval of a charter  
5 petition in accordance with this section and Section 47605.

6 (4) Nothing in this section is intended to affect the authority of  
7 a governmental entity to revoke a charter that is granted on or  
8 before the effective date of this section.

9 (f) A charter school that submits its petition directly to a county  
10 board of education, as authorized by ~~Sections~~ *Section* 47605.5 or  
11 47605.6, may establish charter school operations only within the  
12 geographical boundaries of the county in which that county board  
13 of education has jurisdiction.

14 (g) Notwithstanding any other law, the jurisdictional limitations  
15 set forth in this section do not apply to a charter school that  
16 provides instruction exclusively in partnership with any of the  
17 following:

18 (1) The federal Workforce Investment Act of 1998 (29 U.S.C.  
19 Sec. 2801 et seq.).

20 (2) Federally affiliated ~~Youth-Build~~ *YouthBuild* programs.

21 (3) Federal job corps training or instruction provided pursuant  
22 to a memorandum of understanding with the federal provider.

23 (4) The California Conservation Corps or local conservation  
24 corps certified by the California Conservation Corps pursuant to  
25 ~~Sections~~ *Section* 14507.5 or 14406 of the Public Resources Code.

26 (5) Instruction provided to juvenile court school pupils pursuant  
27 to subdivision (b) of Section 42238.18 or pursuant to Section 1981  
28 for individuals who are placed in a residential facility.